

and, if so, how this term distinguished over Enclosure D attached to applicant/appellant's Brief on Appeal. Enclosure D is an illustration of the arrangement found in Figure 7 of the Ueda et al. patent '030.

It was noted that the term "surrounding" distinguishes over the arrangement shown in Enclosure D because in Enclosure D only arc segments of the fiber's circular outer surface are engaged by the graphite sheets, whereas, according to the present invention, substantially the entire circular outer surface of the fiber is engaged with the expanded graphite particles. To convey this arrangement, the term "surrounding" was chosen. This term was found acceptable by the Examiner.

The question posed by the Board was, "Isn't there a surrounding of the fiber shown in Enclosure D?" The answer to this questions is no, because surrounding requires encirclement and that in turn requires that one proceed in a circle. This is not the case with the arrangement shown in Enclosure D.


It is well settled that an applicant can be his own lexicographer so long as the terms used are not inconsistent with the ordinary meaning of the term. The term "surrounding" as connoting encirclement is a proper use and an acceptable use which does not amount to an improper use. There is nothing that applicant/appellant can find in the dictionary definition of the term "surrounding" which would preclude the concept of encircling and include the arrangement shown in Enclosure D. The term "surrounding," then, is sufficient, in and of itself, to define an engagement of substantially the entire outer surface of the fiber with expanded graphite particles.

This, we believe, is shown in Figure 2 of the present application. A copy of the Merriam-Webster on-line definition is attached. It includes as one possibility, which is not inconsistent with the other possibilities, the meaning ENCIRCLE, which would, it is respectfully submitted, support applicant/appellant's position.

The Board is urged to consider the above when rendering its decision regarding the two art rejections which are now of record.

Respectfully submitted,

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Dated: January 8, 2004